

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

KENTUCKY UTILITIES COMPANY	)	
	)	
_____	)	CASE NO. 93-059
	)	
ALLEGED FAILURE TO COMPLY WITH	)	
COMMISSION REGULATIONS	)	

O R D E R

Kentucky Utilities Company ("KU"), a Kentucky corporation which engages in the distribution of electricity to the public for compensation for lights, heat, power, and other uses, is a utility subject to Commission jurisdiction. KRS 278.010.

KRS 278.280(2) directs the Commission to prescribe rules and regulations for the performance of services by utilities. Pursuant to this statutory directive, the Commission promulgated Commission Regulation 807 KAR 5:041, Section 3, which requires electric utilities to maintain their plant and facilities in accordance with the standards of the National Electrical Safety Code (1990 Edition). It also promulgated Commission Regulation 807 KAR 5:006, Section 26(a), which requires an electric utility to notify the Commission within two hours of any utility-related accident which results in burns requiring treatment at a medical facility.

Commission Staff has submitted to the Commission an Electrical Utility Accident Investigation Report dated November 12, 1992, appended hereto, which alleges:

1. On July 25, 1992, Chad Marvel came into contact with a 2400 volt single phase ungrounded electric conductor located near his home in Wheatcroft, Kentucky. As a result of this contact, Marvel suffered burns to his hands and legs which required medical treatment at a medical facility.

2. KU owns and maintains the conductor in question.

3. KU failed to remove or adequately trim the tree at the incident site to prevent its interference with the ungrounded electric conductor. KU further failed to separate the conductor from the tree with suitable materials or devices.

4. KU's failure to remove or adequately trim the tree to prevent it from interfering with the electric conductor and its failure to separate the conductor from the tree with suitable materials or devices is a violation of National Electrical Safety Code Section 218.

5. KU officials learned of the incident at approximately 9:30 p.m. on July 25, 1992. KU notified the Commission of the accident at 8:35 a.m. on July 27, 1992.

6. KU's failure to remove or adequately trim the tree near the conductor in question or to separate the conductor from the tree with suitable materials or devices is a probable violation of Commission Regulation 807 KAR 5:041, Section 3.

7. KU's failure to report the incident to the Commission within two hours of its discovery is a probable violation of Commission Regulation 807 KAR 5:006, Section 26.

The Commission, on its own motion, HEREBY ORDERS that:

1. KU shall submit to the Commission, within 20 days of the date of this Order, a written response to the allegations contained in the Electrical Utility Accident Investigation Report.

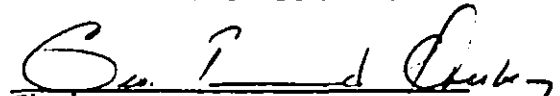
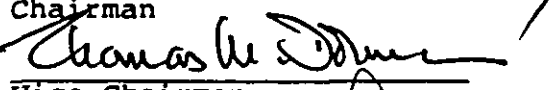
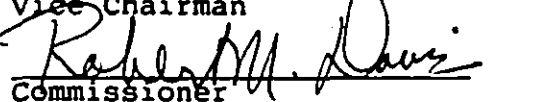
2. KU shall appear on April 26, 1993, at 10:00 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky, for the purpose of presenting evidence concerning the incident which is the subject of the Electrical Utility Accident Investigation Report, specifically the alleged violations of Commission regulations and of showing cause, if any it can, why it should not be subjected to the penalties of KRS 278.990 for its alleged failure to comply with Commission regulations.

3. Any motion for a conference with Commission Staff to discuss issues presented by the Electrical Utility Accident Investigation Report shall be made at the time a written response to that report is submitted.

4. The Electrical Utility Accident Investigation Report dated November 12, 1992 is hereby made a part of the record of this case.

Done at Frankfort, Kentucky, this 19th day of February, 1993.

PUBLIC SERVICE COMMISSION

  
Chairman  
  
Vice Chairman  
  
Commissioner

ATTEST:

  
Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 93-059 DATED 2/19/93

ELECTRICAL UTILITY ACCIDENT INVESTIGATION

DATE OF THIS REPORT 11/12/92 SUBMITTED BY Robert Ueltschi  
NAME OF UTILITY Kentucky Utilities Company  
ACCIDENT REPORTED BY Mr. Brian Dickey  
DATE & TIME ACCIDENT OCCURRED 7/25/92 - 6:30 p.m.  
DATE & TIME UTILITY LEARNED OF ACCIDENT 7/25/92 - Approximately  
9:30 p.m.  
DATE & TIME ACCIDENT REPORTED 7/27/92 - 8:35 a.m.  
DATE OF ACCIDENT INVESTIGATION 7/28/92  
DATE SUMMARY WRITTEN REPORT WAS RECEIVED FROM UTILITY 7/28/92  
PERSONS ASSISTING IN THE INVESTIGATION Mr. Brian Dickey and Mr.  
Doug Lynn - Kentucky Utilities Company and Robert Ueltschi of the  
Public Service Commission  
NAME OF VICTIM Master Chad Marvel SEX M AGE 10  
FATAL No NAME OF EMPLOYER N/A  
INJURIES Burns on left hand and both legs  
LOCATION OF ACCIDENT SITE Highway 109 in Wheatcroft, Kentucky  
DESCRIPTION OF ACCIDENT Chad Marvel climbed a tree in his back  
yard and came in contact with a 2400 volt (single phase) power  
line. Chad Marvel fell from the tree.  
SOURCE OF INFORMATION Mr. and Mrs. Dwight Marvel, the parents  
of Chad Marvel, supplied the information concerning the accident  
to Mr. Charles Reynolds. Mr. Reynolds is the District  
Superintendent for Kentucky Utilities Company.

ELECTRICAL UTILITY ACCIDENT INVESTIGATION (Continued)

**PROBABLE VIOLATIONS OF COMMISSION REGULATIONS** (1) The energized line traversed through the limbs of the tree that Chad Marvel climbed. The tree limbs made the 2400 volt single phase line accessible. The line not being clear or protected resulted in a probable violation of 807 KAR 5:041, Section 3(1), Acceptable Standards 1990 NESC, Section 21, 218. Tree Trimming. (2) The Kentucky Utilities Company did not report this accident within two (2) hours following discovery by means outlined in 807 KAR 5:006, Section 26.

**RECOMMENDATIONS** The Commission should consider action pursuant to KRS 278.990 for Kentucky Utilities Company's probable violation of 807 KAR 5:041, Section 3(1) and 807 KAR 5:006, Section 26.

**CORRECTIVE ACTIONS** Trim or cut the tree.

ELECTRICAL UTILITY ACCIDENT INVESTIGATION (Continued)

LINE CLEARANCES

	<u>As Measured</u>	<u>Minimum Allowed by NESC (1961)</u>
<b>A. AT POINT OF ACCIDENT</b>		
Phase conductor to ground elevation:	<u>28'-8"</u>	<u>20'-0"</u>
Neutral conductor to ground elevation:	<u>29'-5"</u>	<u>20'-0"</u>
Communication conductor to ground elevation: (Cable Vision)	<u>20'-5"</u>	<u>18'-0"</u>
Phase conductor to structure:	<u>N/A</u>	<u>N/A</u>
Neutral conductor to structure:	<u>N/A</u>	<u>N/A</u>
Communication conductor to structure:	<u>N/A</u>	<u>N/A</u>
<b>B. AT LOWEST POINT OF SPAN</b>		
Phase conductor to ground elevation:	<u>28'-8"</u>	<u>20'-0"</u>
Neutral conductor to ground elevation:	<u>29'-5"</u>	<u>20'-0"</u>
Communication conductor to ground elevation: (Cable Vision)	<u>20'-5"</u>	<u>18'-0"</u>
<b>C. SPAN LENGTH <u>125'-5"</u></b>		
Date the line or facilities were constructed <u>1971</u>		
Voltage of line or facilities <u>2400V (single phase)</u>		
Date last inspected by utility <u>5/9/91</u>		
Utility <u>Kentucky Utilities Company</u>		
Date <u>7/28/92</u> Time <u>10:00 a.m. Central time</u>		
Approximate temperature <u>80 degrees F</u>		
Measurements made by <u>Brian Dickey - Kentucky Utilities Company</u>		
<u>Robert Ueltschi - Public Service Commission</u>		

Submitted by: *Robert Ueltschi*

KENTUCKY UTILITIES COMPANY  
ONE QUALITY STREET  
LEXINGTON, KY 40507  
PHONE: (606) 255-2100

July 28, 1992

Mr. John Land  
Public Service Commission  
730 Schenkel Lane  
P.O. Box 615  
Frankfort, KY 40802

Dear John:

SUBJECT: REPORT OF ACCIDENT PUBLIC: CHAD MARVEL  
DATE OF ACCIDENT: 7/25/92

Enclosed is a copy of a Report of Accident-Public where Chad Marvel was climbing a tree and contacted a Kentucky Utilities line.

If you need additional information please advise.

Sincerely,

*James A. Brackney*

James A. Brackney, P.E.  
Director, Insurance & Claims

JAB/ss

Enclosure

cc: R. M. Hewett  
W. N. English

# REPORT OF ACCIDENT

Kentucky Utilities Co.

Company

Personal injury or property damage

KU 24-10 REV 10-90

P.O. Box 178

Address

Dixon

City

Ky

State

Co. Claim No.

Claim No.

TIME AND  
PLACE OF  
ACCIDENT

Date 7-25

19 92 Time 6:30

PM

Location Hwy 109

Street

City Wheatcroft

County Webster

State Ky

REASON  
INJURED

Name Chad Marvel

Age 10

Married ---

Ages of Children ---

Address Hwy 109

Street

Wheatcroft

City

Ky

State

Phone 664-6097

Occupation na

Employer NA

Nature and extent of injuries Left hand and both legs

Injured taken to Regional Medical Center

Name of physician Emergency Room

PUBLIC  
PROPERTY  
DAMAGED

Owner's Name None

Address

Description of Property Damaged

Nature and Extent of Damages

Estimated Cost to Repair or Replace

ACCIDENT

How did the accident happen? (Give full details, describing equipment or other property involved and nature of work being done.)

Chad was climbing a tree and reached out and got in contact with electric line going through tree.

Charles Reynolds, superintendent at Earlington, was contacted at app. 9:30 P.M. by someone at hospital.

WITNESS  
OR  
PERSONS  
PRESENT

Name

Address

Phone

1. None

2.

3.

Report Made By

Date 7-27-92

Report Approved By

Date 7-27-92

(Dist. Mgr. or Dept. Head)



F. B. I.  
ACCIDENT AND TRAFFIC REPORT FORM

TODAY'S DATE

7-27-92

TIME

5:35 A/M

COMPANY

K-1

PERSON REPORTING INCIDENT: NAME:

Erin

9:00

TITLE:

ADDRESS:

PHONE NO:

(606) 255-2100

ACCIDENT DESCRIPTION:

Child contacted primary  
instructor's vehicle & was

VICTIMS NAMES:

SEX M

AGE 10

DEATH

INJURY

SEX

AGE

DEATH

INJURY

SEX

AGE

DEATH

INJURY

LOCATION OF ACCIDENT:

Highway

TIME OF OCCURRENCE:

7-25-92

1:30 PM

TROUBLE DESCRIPTION:

TIME OF OCCURRENCE:

TIME OF RESUMPTION OF NORMAL SERVICE:

NUMBER OF CUSTOMERS AFFECTED:

SIGNED

Eli F. Roussell

DATE

7-92